

REMARKS/ARGUMENTS

By this amendment, claims 2 and 13 are amended. New claim 15 is introduced (support is found on page 8, lines 1-28 in the specification). Claims 1, 6-12 and 14 are withdrawn. Claims 2-5, 13 and 15 are pending. New claims 16-19 dependent on claim 2 are subgeneric aspects of the present invention.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claim objections

Claims 2 and 13 are objected to because of the following informalities: The claims recite the phrase "an oxygen atom of the group -NH" which appears to be a typographical error.

Accordingly with the comments of the Examiner, the word "of" has been amended by the Applicant to read "or".

It is thus respectfully requested that this objection be withdrawn.

Rejection under 35 USC §103

Claims 2-5 and 13 are rejected under 35 USC 103(a) as allegedly being obvious over U.S. Patent No. 3,627,872 to Parkinson. This rejection is respectfully traversed.

Parkinson discloses a process of lowering hypercholesterolemia in mammals and birds which comprises the oral administration thereto of an effective amount of an amino, morpholino or guanidino anion exchange ether of a member selected from the group consisting of dextran, cross-linked starch, cross-linked cellulose, and cross-linked hydroxyethyl cellulose, the said cross-linked substances being water insoluble and containing ether bridges of the type -O-X-O- wherein W represents an alkylene having 3 to 10 carbon atoms, inclusive.

First, Applicant respectfully points out that the wording of Parkinson is very general and indefinite, and that it is thus really difficult to understand, in particular, the meaning of the broad term "*amino, morpholino or guanidino anion exchange ether*". Thus, one of ordinary skill would be compelled, without the benefit of Applicants' disclosure, to rely on subgeneric statements in the patent. Accordingly, from column 1, lines 50-53 of the specification, it can be understood that Parkinson's invention relates to "*ether-type anion exchangers based on hydroxyl group-containing polysaccharides and polymerized hydroxyl group-containing polysaccharides, including dextran and cellulose*". Examples of these "*ether-type anion exchangers based on hydroxyl group-containing polysaccharides*" are given in column 2 of the specification. In these examples, the polysaccharides contain an ether bridge of the type "-O-X-O-" wherein X represents an hydroxyl group-containing aliphatic radical, of the type $\text{CH}_2\text{CH}(\text{OH})\text{CH}_2$. To the contrary, in the claimed invention, the "R" radical can only be a hydrogen atom or an alkyl radical having from 1 to 8 carbon atoms; "R" can never be a hydroxyl group. Hence, even if Parkinson generally disclosed polysaccharides comprising ether bridges, such ether bridges are different from those of the claimed invention. In other words Parkinson fails to suggest the specific support material of the invention as claimed in pending claim 2-5 and 15. For the same reasons, Parkinson does not disclose nor suggest the percolation membrane of pending claim 13.

Second, Parkinson relates to the treatment of hypercholesterolemia in mammals and birds. The man in the art, when reading Parkinson, would thus not have any suggestion or motivation to use the compounds of the claimed invention to prepare support material useful for the separation or preparation of enantiomers.

Hence, Parkinson neither discloses nor suggests the compounds of the claimed invention nor their use as support material useful for the separation or preparation of enantiomers. Claims 2-5, 13 and 15 are thus non obvious in view of Parkinson.

According to the Examiner, the present invention is further allegedly obvious in view of Parkinson and Francotte (WO 97/46733). This rejection is respectfully traversed.

Francotte (WO 97/49733) discloses thermally crosslinked polysaccharide derivatives in which the OH groups have been esterified or converted into a carbamate and their use for the chromatographic separation of enantiomers. Francotte does not disclose nor suggest the specific support materials of the claimed invention consisting of cross-linked polymer comprising specific radicals of formula (I) or (II). For the same reasons Francotte does not disclose nor suggest the percolation membrane of pending claim 13. Claims 2-5, 13 and 15 are thus non obvious in view of Francotte. In addition, Parkinson and Francotte belong to completely different technical fields and the man in the art would thus not have been motivated to combine these two documents. And, even if he had combined said documents, he would never manage to obtain the support materials of the claimed invention since the specific ether linkages of the invention are neither disclosed nor suggested by Parkinson.

From the foregoing remarks, it clearly appears that the instant invention as defined in the claims is non obvious over the cited prior art. Accordingly, reconsideration and withdrawal of the obviousness rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that the claims are in condition for allowance. A Notice of Allowance is therefore respectfully solicited. Should the Examiner believe that a discussion with the undersigned counsel would expedite prosecution of the application, a telephone call to Counsel would be welcomed. (If Counsel is not available, please contact Counsel's

assistant, Mrs. Richardson at 703-812-5326 and she will be happy to provide another attorney for such a discussion.)

Respectfully submitted,

/I. William Millen/

I. William Millen, Reg. No. 19,544
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410
Attorney Docket No.: PET-1802-D02
Date: May 24, 2007